

# **MINNESOTA BOARD OF PHARMACY**

## **SEVEN HUNDRED AND FIFTIETH-FIRST MEETING**

At approximately 9:00 a.m., December 4, 2002, the Minnesota Board of Pharmacy met in Conference Room A, at the University Park Plaza Building, 2829 University Avenue SE, Minneapolis, Minnesota, for the purpose of conducting a general business meeting. All members of the Board were in attendance, with the exception of Board Member Carol Peterson. Also in attendance was the Board's Executive Director, Mr. David Holmstrom, and the Board's Legal Counsel, Mr. Robert Holley.

After reviewing, revising, and approving the agenda for this meeting, the Board addressed the minutes of the meeting of October 23, 2002. Mr. Tom Dickson then moved and Ms. Betty Johnson seconded that the minutes be approved as written. The motion passed.

The Board now, immediately, went into closed session in order to discuss matters of a quasi-judicial nature.

The first item of a quasi-judicial nature to be addressed by the Board was the appearance before the Board of Pharmacist Thomas R. Johnson. Mr. Johnson has now, successfully, completed his period of probation with the Board and, in keeping with the Board's policy of meeting with individuals who are about to go off probation, the Board invited Mr. Johnson to discuss his compliance with the terms of his probation.

After discussing various issues with Mr. Johnson, the Board acknowledged the successful completion of probation on his part and wished him well.

The Board now returned to its open session.

The next order of business for the Board was the review of applications to conduct new pharmacies, which the Board has received since its last meeting. Only one such application was received. This application was submitted on behalf of Cub Pharmacy #757, in Hastings, Minnesota, by Mr. Paul Harder, Pharmacist-in-charge. After carefully reviewing this application and a diagram of the proposed pharmacy, Ms. Betty Johnson moved and Mr. Gary Schneider seconded that the application be approved and a license issued subject to the successful completion of an on-site inspection by a member of the Board's staff to assure compliance with pharmacy Board rules dealing with licensure. The motion passed.

The Board next turned its attention to reports from the various standing committees. The first such report was from the Continuing Education Advisory Task Force. Mr. Holmstrom now presented to the Board a list of Continuing Education programs submitted to and reviewed by the Continuing Education Advisory Task Force between the dates of October 8 and November 12, 2002. After reviewing the list of programs submitted to and reviewed by the Continuing Education Advisory Task Force, Ms. Betty Johnson moved and Mr. Gary Schneider seconded that those programs recommended for approval be so approved and that those programs for which denial of approval was recommended be denied. The motion passed.

Mr. Holmstrom next presented a request for an extension of time in which to meet the Board's Continuing Education requirements submitted by Mr. Hong Nguyen. Mr. Nguyen indicates that he has completed a total of 28 credits and is seeking an extension through the end of January 2003 to provide the Board with certificates of attendance for all 30 hours of Continuing Education. In discussing Mr. Nguyen's request, the Board observed that only two hours are still needed to meet the Board's Continuing Education requirements and that Mr. Nguyen ought to be able to complete that with ease by the end of December. As a result, the Board denied Mr. Nguyen's request for an extension through the end of January, but granted an extension through December 31, 2002.

Mr. Holmstrom next brought to the Board's attention the fact that some pharmacists, who submitted certificates attesting to completion of their Continuing Education requirements earlier this year have, when audited, been found to have falsified the Certificate of Completion in that only some of the required Continuing Education courses had been completed at the time the certificate was signed and dated. After discussing this issue, the Board directed Mr. Holmstrom to send a strongly worded letter to such individuals and to put those individuals on the audit list for the next Continuing Education reporting period. If similar circumstances occur a second time, the pharmacists involved will face disciplinary action. The Board also directed Mr. Holmstrom to prepare an article for its quarterly newsletter on this issue.

The Board next addressed issues relating to the Examination Committee. The Board now addressed itself to the performance of the candidates for licensure by reciprocity that have taken the Multistate Pharmacy Jurisprudence Examination for Minnesota since the Board's last meeting. After a thorough review of the performance of the candidates for licensure by reciprocity, Ms. Jean Lemberg moved and Mr. Tom Dickson seconded that, having passed the Multistate Pharmacy Jurisprudence Examination required of candidates for licensure by reciprocity, the following candidates be granted such licensure based on their current license to practice in the state listed with their name:

<u>CERTIFICATE #</u>	<u>NAME</u>	<u>STATE OF ORIGINAL LICENSURE</u>
8257	Freeman Maral Mjolsness	ND
8258	Lisa Maye Duppong	ND
8259	Lori Cox Dupree	SC
8260	Mark Noel Kirstein	TN
8261	Sumana Verrinder	AZ
8262	Jennifer Sheldon	IL
8263	William Verrinder	AZ

Mr. Holmstrom next presented the Board with a letter from Pharmacist Harold Sadoff regarding the reactivation of his license to practice pharmacy. Mr. Sadoff placed his license on inactive status approximately ten years ago. Mr. Sadoff is now exploring the possibility of reactivating his license to practice pharmacy and noticed that if he had allowed his license to lapse he would have to show evidence of having completed only 60 hours of Continuing Education, along with performing 400 hours of experience as an intern and successfully completing the Board's Multistate Pharmacy Jurisprudence Examination. By placing his license

on inactive status, however, Mr. Sadoff is being required to complete approximately 150 hours of Continuing Education, but is not being required to obtain the practice experience or pass the Multistate Pharmacy Jurisprudence Examination. Mr. Sadoff is requesting that the Board reconsider the Continuing Education requirement for the reinstatement of his license.

After discussing Mr. Sadoff's request, the Board directed Mr. Holmstrom to write to Mr. Sadoff and inform him that it will require him to complete either 60 hours of Continuing Education and 400 hours of experience as an intern, or 150 hours of Continuing Education and that Mr. Sadoff can choose which of those routes he wishes to take.

Mr. Holmstrom next presented the Board with a letter he received from Mr. Gregory Arnold, of Missoula, Montana. Mr. Arnold is seeking licensure in Minnesota, but participated in the NAPLEX score transfer of a NAPLEX score to Minnesota in September of 2001. Ordinarily, the transfer of the NAPLEX score is recognized by the Board at the time of the next laboratory practical examination which, in Mr. Arnold's case, would have been the laboratory practical examination given in January of 2002. Mr. Arnold did not participate in that examination, nor did he participate in the laboratory practical examination given in June of this year. Mr. Arnold now requests an opportunity to sit for the Practical Examination in January of 2003 and have the Board recognize his NAPLEX score transfer from September of 2001.

After noting that Mr. Arnold now qualifies for licensure by reciprocity in Minnesota, the Board directed Mr. Holmstrom to contact Mr. Arnold and suggest that this might be a better way for him to proceed.

The Board next addressed issues that have come before the Board's Variance Committee.

The Board first addressed the [report of the Variance Committee](#) regarding requests for variances that were submitted since its last meeting. Mr. Tom Dickson moved and Ms. Betty Johnson seconded that the recommendations of the Variance Committee be affirmed. The motion passed.

At this time, Mr. Rick Knoll, Assistant Director of the Austin Medical Center Pharmacy, appeared before the Board to discuss a request for a variance relating to the establishment of a telepharmacy project based at the Austin Medical Center Pharmacy. The Variance Committee has reviewed the original request for a variance but did not make a recommendation to the Board and requested additional information from Mr. Knoll and from pharmacies that might be financially impacted by the potential approval of the telepharmacy project. After a lengthy discussion on the telepharmacy proposal, the Board requested Mr. Knoll to consider reworking portions of the proposal, and gather additional data from the clinic at the remote site in LeRoy, Minnesota, and the Board will continue its consideration of the request at its meeting of January 14th. The Board also directed Mr. Holmstrom to obtain additional information from the North Dakota and Nebraska Boards of Pharmacy, from previously submitted telepharmacy proposals in Minnesota, and from the pharmacist in Adams, Minnesota, who voiced opposition to the proposal by the Austin Medical Center.

The Board next reviewed a request from Pamida Pharmacy in Pine City, Minnesota, relating to the placement of a ScriptPro Pharmacy Automation Robotic Prescription Dispensing System SP 100 at that location. While this variance was not considered by the Variance Committee, since it arrived after the Variance Committee's most recent meeting, the sender requested consideration by the Board at the December Board meeting. After reviewing the request submitted by Pamida Pharmacy, the Board directed Mr. Holmstrom to have Board inspectors visit the site and observe the operation of the system. Ms. Betty Johnson moved and Mr. Gary Schneider seconded that the Board approve the variance requested on condition that the on-site visit by the Board inspectors results in a satisfactory report and on condition that the pharmacy send updated policies and procedures to the Board office, since the ones included with the variance request were dated early in 2001. The motion passed.

President Kassekert next led a discussion by the Board of the need to appoint a Board of Pharmacy representative to the Health Professional Services Program Committee. President Kassekert indicated that he was currently the Board's representative and asked whether anyone else would be interested in assuming that role. There being no volunteers, Mr. Tom Dickson moved and Mr. Gary Schneider seconded that Vern Kassekert be appointed to serve as the Board of Pharmacy's representative for another year. The motion passed.

Board Member Chuck Cooper next led a discussion of bioterrorism preparedness and the likelihood that pharmacists would be involved in the national smallpox immunization policy that is currently under development. No formal Board action on this issue was required.

Mr. Holmstrom next summarized the discussions that occurred at a meeting he and Pharmacy Board Surveyors Les Kotek, Michele Boock, and Candice Fleming had with representatives of the Board of Nursing regarding nurses issuing prescriptions by following nonpatient specific protocols as is currently authorized under Minnesota Statutes. It was agreed between representatives of the Board of Pharmacy and the Board of Nursing that the recommendation would be made that nurses generating such a prescription would be required to include both the name of the prescriber and the name of the nurse generating the order together with the words per protocol, whenever written prescriptions were generated.

There being no further business to come before the Board at this time, President Kassekert adjourned the meeting at approximately 1:30 p.m.

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PRESIDENT

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EXECUTIVE DIRECTOR